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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

JONATHON CHADWICK HARBIN,

Case No. 08-CV-797-KI

Plaintiff,

**DEFENDANTS' MOTION TO COMPEL
INDEPENDENT MEDICAL
EXAMINATION**

v.

CABLE COMMUNICATIONS, INC., an
active Nevada Corporation; CAB COMM,
INC., an active Georgia Corporation; JOHN
GREEN, a Georgia resident; and WILLIAM K.
TOUCHTON, a Georgia resident,

Defendant.

ORAL ARGUMENT REQUESTED

CERTIFICATION OF CONFERRAL

Pursuant to LR 7.1(a), counsel for Defendants made a good faith effort through a
telephone conference with Plaintiff's counsel to resolve these disputes and was unable to do so.

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MOTION

Pursuant to Fed. R. Civ. P. 35, Defendants move for an order compelling Plaintiff to submit to an independent medical examination (“IME”) related to the existence, cause(s) and severity Plaintiff’s alleged emotional distress, including its alleged manifestation in sleep disturbance, insomnia and nausea. The IME will be conducted by Dr. Donna C. Wicher, Clinical Psychologist, 1865 NW 169th Pl. # 201, Beaverton, OR 97006, on a date to be agreed upon by the parties following entry of an order.

This motion is supported by the Memorandum of Law and Declaration of Sean M. Driscoll filed herewith.

DATED: July 10, 2009

FISHER & PHILLIPS LLP

/s/ Sean Driscoll

Trial Atty: Mitchell C. Baker, OSB #98135

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